IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP NO.472 Of 2004.

Date of decision: April 11, 2007.

Rajesh Kumar. ……. Petitioner.

Vs.

Canara Bank & Ors. ……. Respondents.

Coram

The Hon'ble Mr.Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice Surinder Singh, Judge.

Whether approved for reporting? No

For the petitioner: Mr.Manoj Chauhan, Advocate.

For the respondents: Mr. Bhupender Gupta, Sr. Advocate with Mr. Janesh Gupta, Advocate.

Deepak Gupta, J.(Oral).

The prayer made by the petitioner in the present writ petition is to direct the respondent-Bank to consider the case of the petitioner for his compassionate appointment on account of the death of his father.

The undisputed facts of the present petition are that the father of the petitioner was working as Clerk in the Canara Bank and expired in the year 1999. It is also not disputed that an application for compassionate appointment was made in the year 1999, which was rejected. Thereafter the present petitioner

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Whether reporters of local Papers may be allowed to see the judgment? Yes.

sent notice through his counsel in the year 2003 and when the Bank did not offer any appointment to the petitioner, the present writ petition was filed in July, 2004. The grievance of the petitioner is that some other person, namely Sanjeev Kumar has been offered appointment under the compassionate scheme, whereas his case has been rejected.

The Bank in its reply has submitted that case of the petitioner was considered at the relevant time, as per the scheme and since the petitioner's family was found to be receiving monthly pension of Rs.4278/- per month and it was also established that terminal benefits of Rs.1,14,000/- had been paid to the family of the deceased alongwith LIC proceeds amounting to Rs.1,24,000/-, no case was made out for granting compassionate appointment to the petitioner. According to the respondent-bank the petitioner is residing in the house owned by him and this fact was also taken into consideration while considering the case of the petitioner. The Bank in its reply also submitted that the case of Sanjeev Kumar stands on a different footing. Sanjeev Kumar was receiving pension of only Rs.2,300/- per month, that too only upto 8.9.2006 and thereafter his pension was to be reduced by 50% i.e. to Rs.1,150/- per month. Lastly, it was pointed out by the Bank that the scheme for

offering compassionate employment has now been scrapped and at present there is no scheme for grant of compassionate appointment and the existing scheme only provides for payment of Exgratia lumpsum amount w.e.f. 14.2.2005.

Since at present there is no scheme for grant of compassionate appointment, we cannot issue any writ of mandamus directing the Bank to make appointment on compassionate basis. We are also satisfied that at the relevant time, the Bank had also taken into consideration all the relevant factors, while rejecting the claim of the petitioner. We therefore, dismiss the writ petition. No order as to costs.

(Deepak Gupta)
Judge.

April 11, 2007.
(Pds)

(Surinder Singh)
Judge.